United Nations A/HRC/35/L.11

General Assembly

Distr.: Limited
19 June 2017

Original: English

Human Rights Council
Thirty-fifth session
6–23 June 2017
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Andorra,* Argentina,* Australia,* Canada,* Cyprus,* Denmark,* Finland,* Ghana, Liechtenstein,* Lithuania,* Netherlands, Norway,* Russian Federation,* Switzerland, Turkey,* Ukraine,* United States of America: draft resolution

35/... Business and human rights: Mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises

The Human Rights Council,

Recalling Human Rights Council resolutions 8/7 of 18 June 2008, 17/4 of 6 July 2011, 21/5 of 27 September 2012, 26/22 of 27 June 2014 and 32/10 of 30 June 2016, and Commission on Human Rights resolution 2005/69 of 20 April 2005, on the issue of human rights and transnational corporations and other business enterprises,

Recalling in particular that the endorsement by consensus of the Guiding Principles on Business and Human Rights by the Human Rights Council in its resolution 17/4 established an authoritative framework to prevent and address adverse human rights impact of business activities, based on the three pillars of the United Nations "Protect, Respect and Remedy" framework,[1]

Recalling Human Rights Council resolutions 5/1 on institution-building of the Human Rights Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Stressing that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Emphasizing that transnational corporations and other business enterprises have a responsibility to respect human rights,

* State not a member of the Human Rights Council.
[1] A/HRC/17/31, annex.

Recognizing the progress made and the continuing efforts to implement the Guiding Principles by some States, business enterprises, international organizations and members of civil society, as well as the role of the United Nations Global Compact in, inter alia, promoting the Guiding Principles,

Recognizing also the valuable role played by civil society, including non-governmental organizations, in promoting accountability for business-related human rights abuses and in raising awareness of the human rights impacts and risks of some business enterprises and activities,

Noting the role that national action plans and other such frameworks on business and human rights can play as tools for promoting the comprehensive and effective implementation of the Guiding Principles,

Concerned at legal and practical barriers to remedies for business-related human rights abuses, which may leave those aggrieved without opportunity for effective remedy, including through judicial and non-judicial avenues, and recognizing that it may be further considered how relevant legal frameworks can provide more effective avenues of remedy for affected individuals and communities,

Recalling the role of the Working Group on the issue of human rights and transnational corporations and other business enterprises in promoting the effective implementation of the Guiding Principles and exploring options for enhancing access to effective remedies,

Recognizing that the annual Forum on Business and Human Rights has become a valuable opportunity to promote dialogue and cooperation on issues linked to lessons learned on business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as to identify good practices,

Recognizing also the importance of building the capacity of Governments, business enterprises, civil society and other stakeholders to better prevent business-related human rights abuses, provide effective remedy and manage challenges in the area of business and human rights, and that the United Nations system has an important role to play in this regard,

Recalling the views and recommendations of the United Nations human rights treaty bodies, including the general comments bearing on the issue of human rights and transnational corporations and other business enterprises, such as general comment No. 16 of the Committee on the Rights of the Child,

Welcoming General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in this context, in particular paragraph 67 thereof,

Taking note of the International Labour Organization revised Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body in March 2017, which takes into account, inter alia, the Guiding Principles,

1. *Welcomes* the work of the Working Group on the issue of human rights and transnational corporations and other business enterprises in the fulfillment of its mandate, and takes note of its role in regional forums and consultations to discuss challenges and lessons learned from implementation of the Guiding Principles on Business and Human Rights with States and other stakeholders in a regional context;

2. *Recognizes* that the effective implementation of the Guiding Principles should cover a broad range of public policy areas and involve the participation of relevant

stakeholders, and encourages all States to take steps to implement the Guiding Principles, including developing a national action plan or other such framework;

3. *Calls upon* all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles;

4. *Takes note* of the report of the Working Group on the challenges and opportunities for small and medium-sized enterprises in the implementation of the Guiding Principles[2] and its study on cross-border cooperation between States with respect to law enforcement on the issue of business and human rights.[3] prepared pursuant to Human Rights Council resolution 32/10;

5. *Welcomes* the efforts of the Working Group to collect and disseminate information on ongoing processes to develop national action plans and other relevant data on global progress in the implementation of the Guiding Principles and, in this regard, invites States and all relevant stakeholders to submit information to, and engage with, the Working Group on their national action plans and other relevant initiatives and on the implementation of such commitments;

6. *Takes note with appreciation* of the guidance prepared by the Working Group for the development and implementation of effective national action plans or other such frameworks, including with regard to access to both judicial and non-judicial remedy;

7. *Encourages* the Working Group to promote good practices and identify challenges in the implementation of the Guiding Principles;

8. *Welcomes* the role of the Working Group in guiding the three-day annual Forums on Business and Human Rights;

9. *Decides* that the Working Group shall guide the work of the Forum and prepare its annual meetings, and invites the Working Group to chair the Forum and submit a report on the proceedings and thematic recommendations of the Forum for consideration by the Human Rights Council;

10. *Welcomes* that the central theme of the 2017 Forum on Business and Human Rights is "Realizing access to Remedy" as it can allow taking stock and identifying further ways forward in the implementation of the third pillar of the Guiding Principles;

11. *Decides* to extend the mandate of the Working Group on the issue of human rights and transnational corporations and other business enterprises as set out in Human Rights Council resolution 17/4 for a period of three years;

12. *Requests* the Working Group, in accordance with its mandate, to give due consideration to the implementation of the Guiding Principles in the context of the 2030 Agenda for Sustainable Development;

13. *Encourages* all States, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as public and private businesses to cooperate fully with the Working Group in the fulfillment of its mandate by, inter alia, responding to communications transmitted, as provided for in Human Rights Council resolution 17/4, paragraph 6 (b), and, in the case of States, to reply favorably to requests for visits by the Working Group;

14. *Invites* international and regional organizations to seek the views of the Working Group when formulating or developing relevant policies and instruments, and

[2] A/HRC/35/32.
[3] A/HRC/35/33.

invites the Working Group to continue to collaborate closely with relevant United Nations bodies, including the treaty bodies and the special procedures;

15. *Emphasizes* the importance of stakeholder dialogue and analysis to maintain and build on the results achieved to date to prevent and address business-related human rights abuses and to inform further deliberations of the Human Rights Council on business and human rights;

16. *Welcomes* the efforts made by national human rights institutions to enhance their capacity to support corporate responsibility, including through the implementation of the Guiding Principles by all stakeholders;

17. *Recalls* the report of the Secretary-General on the challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including programmes, funds and agencies,[4] and the recommendations made therein, underscoring the need to embed the business and human rights agenda and the Guiding Principles throughout the United Nations system;

18. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the resources and assistance necessary for the Working Group to fulfil its mandate effectively, including its role in guiding the work of the Forum on Business and Human Rights;

19. *Also requests* the Secretary-General and the High Commissioner to provide the Forum, in a transparent manner, with all the services and facilities necessary, bearing in mind the growing participation in the Forum and paying particular attention to regional balance and ensuring the participation of affected individuals and communities;

20. *Decides* to continue its consideration of this question in conformity with its annual programme of work.

---

[4] A/HRC/26/20.